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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,425

03/01/2004

Shinji Ichikawa

4966

7590

03/24/2005

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EXAMINER

CHARIOUI, MOHAMED

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,425

Applicant(s)

ICHIKAWA ET AL.

Examiner

Mohamed Charioui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuroda et al. (U.S. 6,314,347).

As per claim 1 and 6, Kuroda et al. teach traveling information storing means for storing traveling data and traveling environment data as mutually associated data (see col. 1, lines 45-50); candidate traveling speed pattern generating means for generating a candidate traveling speed pattern on the

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basis of the traveling data (see col. 2, lines 22-32); and estimated traveling speed pattern outputting means for extracting a candidate traveling speed pattern matching current traveling environment data and outputting an estimated traveling speed pattern for a route to be followed from now on (see col. 1, lines 49-52 and col. 4, lines 55-67).

As per claim 2, Kuroda et al. further teach frequent route specifying means for specifying a frequent route on the basis of the traveling data (see col. 6, lines 46-58); and sectionally dividing means for dividing the frequent route into short sections (see col. 1, lines 40-48), wherein the candidate traveling speed pattern generating means generates the candidate traveling speed pattern for each of the short sections (see col. 2, lines 22-32), and the estimated traveling speed pattern outputting means extracts a candidate traveling speed pattern for each of the short sections, and outputs an estimated traveling speed pattern for a frequent route to be followed from now on (see col. 1, lines 49-52).

As per claim 3, Kuroda et al. further teach that the candidate traveling speed pattern generating means classifies the traveling data for each of the short sections on the basis of an average traveling speed for each of the short sections or a degree of similarity among traveling speed patterns for each of the short sections, and generates a traveling speed pattern representing a set of the classified traveling data for each of the short sections as the candidate traveling speed pattern (see col. 6, line 65 to col. 7, line 34).

As per claim 4, Kuroda et al. further teach that estimated traveling speed pattern outputting means extracts traveling data matching current traveling

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environment data for each of the short sections, extracts a candidate traveling speed pattern representing a set to which a greatest number of the traveling data belong, and outputs the estimated traveling speed pattern (see col. 6, line 65 to col. 7, line 34 and col. 4, lines 55-67).

As per claim 5, Kuroda et al. further teach that the traveling environment data include date, hour, day of the week (see col. 6, lines 46-58), information on operation of on-vehicle equipments, and sensing information obtained from on-vehicle sensors (see col. 1, lines 21-30 and col. 4, lines 20-25).

Prior art

3. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

Yokoyama et al. [JP409014986] disclose on-vehicle route searching device.

Ohmura et al. ['861] disclose Communication apparatus and its current position communication method, navigation apparatus for a vehicle and its information communication method, computer program product, and computer-readable storage medium

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax

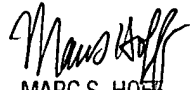
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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

3/16/05


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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